

Determination of the time period must be based on the day degrees model for West Indian fruit fly. Once treatment has begun, it must continue through the harvest period. The malathion bait spray treatment must be applied by aircraft or ground equipment at a rate of 2.4 oz of technical grade malathion and 9.6 oz of protein hydrolysate per acre. The spinosad bait spray treatment must be applied by aircraft or ground equipment at a rate of 0.01 oz of a USDA-approved spinosad formulation and 48 oz of protein hydrolysate per acre. For ground applications, the mixture may be diluted with water to improve coverage.

[66 FR 6433, Jan. 22, 2001, as amended at 67 FR 8465, Feb. 25, 2002; 70 FR 33269, June 7, 2005]

### Subpart—Sapote Fruit Fly

SOURCE: 68 FR 24610, May 8, 2003, unless otherwise noted.

#### § 301.99 Restrictions on interstate movement of regulated articles.

No person may move interstate from any quarantined area any regulated article except in accordance with this subpart.<sup>1</sup>

##### § 301.99–1 Definitions.

*Administrator.* The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

*Animal and Plant Health Inspection Service.* The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture.

*Certificate.* A document in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is free of sapote fruit fly and may be moved interstate to any destination.

*Compliance agreement.* A written agreement between APHIS and a per-

son engaged in growing, handling, or moving regulated articles, wherein the person agrees to comply with this subpart.

*Core area.* The 1-square-mile area surrounding each property where sapote fruit fly has been detected.

*Day degrees.* A mathematical construct combining average temperature over time that is used to calculate the length of a sapote fruit fly life cycle. Day degrees are the product of the following formula, with all temperatures measured in °F:

$$(\text{Minimum Daily Temp} + \text{Maximum Daily Temp})/2 - 54 = \text{Day Degrees}.$$

*Departmental permit.* A document issued by the Administrator in which he or she affirms that interstate movement of the regulated article identified on the document is for scientific or experimental purposes and that the regulated article is eligible for interstate movement in accordance with § 301.99–4(c) of this subpart.

*Dripline.* The line around the canopy of a plant.

*Infestation.* The presence of the sapote fruit fly or the existence of circumstances that makes it reasonable to believe that the sapote fruit fly is present.

*Inspector.* Any employee of APHIS or other person authorized by the Administrator to perform the duties required under this subpart.

*Interstate.* From any State into or through any other State.

*Limited permit.* A document in which an inspector or person operating under a compliance agreement affirms that the regulated article identified on the document is eligible for interstate movement in accordance with § 301.99–5(b) only to a specified destination and only in accordance with specified conditions.

*Moved (move, movement).* Shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

*Person.* Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

<sup>1</sup>Any properly identified inspector is authorized to stop and inspect persons and means of conveyance and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in section 414 of the Plant Protection Act (7 U.S.C. 7714).